



U.S. Department of Energy



Office of Small and Disadvantaged Business Utilization



# 7<sup>TH</sup> ANNUAL SMALL BUSINESS CONFERENCE

THE WASHINGTON STATE  
CONVENTION AND TRADE CENTER



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## Connie's Bid Protest

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# Bid Protest Scenario

Friday afternoon Attorney Avery receives a call from Connie Tractor who just received notification that she wasn't selected for an award of a DOE Headquarters support services contract.

Immediately, the bid protest journey begins...

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# May Connie Protest?

- Interested Party
- In Line for Award
- Type of Contract

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# Connie's Possible Basis for Protest

- Defect in Solicitation
- Awardee is too small and cannot perform
- Disparate Treatment of Offers
- Agency Miscalculated one or more offerors' proposals
- Unstated Evaluation Criteria
- Flawed Best Value Decision

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# Where to Protest

- Agency
- GAO
- Court of Federal Claims
- Size-Protest to Contracting Officer –  
to be forwarded to SBA

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# Other Considerations

- Relationship with Agency
- Protective Orders
- Cost of Protest
- Awardee has Right to Intervene
- Remedies

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## Questions?

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